

In Re: Methyl Tertiary Butyl Ether : Master File C.A. No.  
("MTBE") Products Liability : 00 Civ. 1898 (SAS)  
Litigation : MDL 1358

JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

The Court having reviewed the objections to designated portions of the deposition of Arthur J. Ashendorff, Volume 2, the objections are determined as follows:

<u>Tab</u>	<u>Pages/Lines</u>	<u>Ruling</u>
1	265:03 - 266:08	Overruled; any ambiguity is clarified in subsequent questions and answers.
2	277:14 - 277:20	Sustained; the question objected to was not answered.
3	278:20 - 278:24	Sustained; the question objected to was not answered.
4	284:16 - 286:17	Sustained as to 284:16-284:18 and and 285:05-285:11; irrelevant. Otherwise overruled; the nature of the witness' employment with the City is appropriate background.
5	287:05 In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation 287:09	Overruled; subsequent testimony indicates that the witness had sufficient personal knowledge.
6	288:09 - 290:10	Overruled; the testimony indicates that the witness had personal knowledge even if his recollection is not complete.
7	291:11 - 292:12	Overruled; the witness had personal personal knowledge even if his recollection is not complete.
8	349:01 - 349:03	Overruled; the witness indicates the basis for his personal knowledge.

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<u>Tab</u>	<u>Pages/Lines</u>	<u>Ruling</u>
9	351:01 - 355:10	Overruled; the witness' knowledge at specific points in time concerning the properties of MTBE is relevant.
10	361:17 - 362:07	Overruled; the City's commentary on the AWWA report is relevant (and generally has not been objected to); the portion complained of is not materially different.
11	364:14 - 365:11	Sustained; the witness lacks personal knowledge of the thought process of others.

SO ORDERED.

James C. Francis IV  
JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York  
July 8, 2009

Copies mailed this date:

Susan E. Amron, Esq.  
Environmental Law Division  
New York City Law Department  
100 Church Street  
New York, New York 10007

Victor M. Sher, Esq.  
Joshua Stein, Esq.  
Sher Leff LLP  
450 Mission Street, #400  
San Francisco, CA 94105

Robert S. Chapman, Esq.  
Greenberg Glusker LLP  
1900 Avenue of the Stars, 21st Floor  
Los Angeles, CA 90067

Peter John Sacripanti, Esq.  
James A. Pardo, Esq.  
Stephen J. Riccardulli, Esq.  
McDermott Will & Emery LLP  
340 Madison Avenue  
New York, New York 10173

Anthony A. Bongiorno, Esq.  
McDermott Will & Emery LLP  
28 State Street  
Boston, MA 02109

Jennifer Kalnins Temple, Esq.  
McDermott Will & Emery LLP  
18191 Von Karman Avenue, Suite 500  
Irvine, CA 92612-7108

William Stack, Esq.  
Exxon Mobile Corporation  
P.O. Box 2180  
Houston, TX 77252